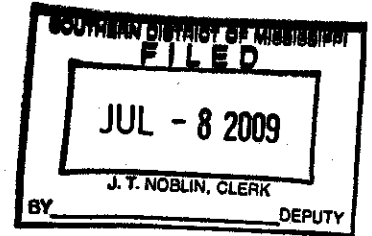


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09 CR66 TSL-LRA

DALE HOLYFIELD

29 U.S.C. § 501(c)
29 U.S.C. § 439(b)
29 U.S.C. § 439(c)

The Grand Jury charges:

At all times material to this indictment:

1. The United Food and Commercial Workers union (hereafter "UFCW"), Local 982-C, Brandon, Mississippi, was a labor organization engaged in an industry affecting commerce, within the meaning of Sections 402(i) and 402(j) of Title 29, United States Code.

2. The defendant, **DALE HOLYFIELD**, was an officer and employee as the terms are defined in Section 402 of Title 29, United States Code.

COUNT 1

That from on or about October 2006, and continuing through on or about January 2009, in Rankin County in the Jackson Division of the Southern District of Mississippi and elsewhere, the defendant, **DALE HOLYFIELD**, while serving as an employee and the financial secretary-treasurer for the UFCW, Local 982-C, Brandon, Mississippi, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use or to the use of another the sum of approximately \$7,468.19, of the monies, funds, securities, property and other assets of said labor organization by obtaining unauthorized cash advances through the forgery of the local union president's name on checks, all

in violation of Section 501(c), Title 29, United States Code.

COUNT 2

That on or about January 22, 2008, in Rankin County in the Jackson Division of the Southern District of Mississippi, the defendant, **DALE HOLYFIELD**, did knowingly fail to disclose a material fact in a report and document required to be filed by the UFCW, Local 982-C, Brandon, Mississippi, with the Secretary of Labor pursuant to Section 431, Title 29, United States Code, that is, the Labor Organization Annual Report Form LM-3, all in violation of Section 439(b), Title 29, United States Code.

COUNT 3

That from in or about October 2006, and continuing through in or about January 2009, in Rankin County, in the Jackson Division of the Southern District of Mississippi, the defendant, **DALE HOLYFIELD**, while serving as an officer and employee for the UFCW, Local Union 982-C, Brandon, Mississippi, did wilfully make and cause to be made false records and representations of material facts in records required to be kept by Section 436 of Title 29, United States Code, in that the defendant made false entries on union monthly per capita reports falsely representing that disbursements paid to him were duly authorized expenditures of union funds, all in violation of Section 439(c), Title 29, United States Code.

NOTICE OF FORFEITURE

As a result of the felony offense specified in Count 1 of this Indictment, the defendant, **DALE HOLYFIELD**, shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT

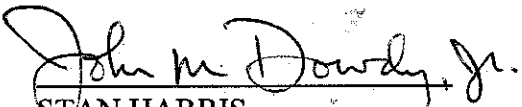
A sum of money equal to \$7,468.19, in United States currency, representing the amount of proceeds obtained as a result of the said offense.

Further, if any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property, which cannot be divided without difficulty,

then it is the intent of the United States, pursuant to Section 853(p), Title 21, United States Code, as incorporated by Section 2461(c), Title 28, United States Code, to see a judgment of forfeiture of any other property of the defendant up to the value of the property described in this indictment or any bill of particulars supporting it.

All pursuant to Section 981(a)(1)(c), Title 18, United States Code and Section 2461, Title 28, United States Code.


for STAN HARRIS
Acting United States Attorney

A TRUE BILL:

s/ Signature Redacted

For person of the Grand Jury